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Annual report of the Special Representative of the Secretary-General on Violence against Children

Summary

The present annual report contains a review of key developments and initiatives promoted by the Special Representative to accelerate progress in children's protection from violence, and identifies efforts required for sustaining and scaling up achievements made.

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I. Mandate and strategic priorities

1. The mandate of the Special Representative of the Secretary-General on Violence against Children was established by the General Assembly in its resolution 62/141 and renewed for a further period of three years by the Assembly in its resolution 67/152.

2. The present annual report contains a review of major developments towards sustaining and scaling up efforts for children's protection from violence. It takes into account the priorities identified by the Special Representative for the second term of her mandate (A/67/230, paras. 100–110). These include mainstreaming the recommendations of the United Nations Study on Violence against Children in the national policy agenda; addressing emerging concerns; tackling violence across children's life cycles, with priority attention to the most vulnerable children; and promoting children's protection from violence as a priority in the development agenda.

3. The Special Representative is a high-profile, global independent advocate for the prevention and elimination of all forms of violence against children. She acts as a bridge-builder and a catalyst for action across sectors and settings where violence against children may occur and promotes the protection of children from violence as a human rights imperative. The Special Representative makes use of mutually supportive strategies, including advocacy; the promotion of international, regional and national consultations to advance progress, identify good practices and promote cross-fertilization of experience; the hosting of expert consultations; the development of thematic studies and information materials; and the organization of field missions.

4. To advance national initiatives and bring the mandate closer to national stakeholders and the public at large, since the start of the mandate the Special Representative has conducted over 90 missions in more than 50 countries in all regions, most recently to Brazil, Costa Rica, Ghana, Indonesia, Mexico and Sweden. Country visits provide a valuable opportunity to promote the implementation of the Study recommendations and address a wide range of concerns through high-level policy discussions with national authorities; awareness-raising and advocacy initiatives with professional groups, civil society partners and children and young people; and media encounters. The visits have helped to promote accelerated progress in the universal ratification of human rights treaties; the enactment and enforcement of legislation to ban all forms of violence and safeguard the protection of child victims; the consolidation of data and research to inform policymaking; and initiatives to prevent children's exposure to violence in the home, in schools and in care and justice institutions, and to address incidents associated with harmful practices and community violence.

II. Consolidating progress in the implementation of the recommendations of the United Nations Study on Violence against Children

5. Capitalizing on the increasing momentum built around the recommendations of the Study, over the past year the Special Representative undertook significant initiatives to step up progress in children's protection from violence. In the present annual report she highlights some of these developments, especially those aimed at:

(a) Consolidating the human rights foundation of children's freedom from violence through the ratification and implementation of international standards;

(b) Accelerating progress towards a world free from violence, in the light of the findings of the global survey on violence against children;

(c) Placing children's protection from violence at the centre of the United Nations development agenda beyond 2015;

(d) Enhancing awareness and consolidating knowledge to strengthen children's protection from violence, with a special focus on promoting restorative justice for children.

A. Strengthening the human rights foundation of children's freedom from violence

1. Campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child

6. Children's freedom from violence is a fundamental human right recognized by the Convention on the Rights of the Child and its Optional Protocols, and addressed by other important international legal standards. The ratification and effective implementation of these treaties constitutes a crucial step in promoting the prevention and elimination of violence and protecting children from all forms of violence.

7. The campaign for the universal ratification of the Optional Protocols to the Convention on the Rights of the Child, launched by the Secretary-General in 2010, has been a major initiative in this area and has led to consolidated progress over the past year. In 2013, the United Nations Treaty Event, held during the high-level segment of the General Assembly, marked a critical stage in this process, with its prominent emphasis on the rights of the child.

8. Since the launch of the campaign, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has received 29 additional ratifications and is currently in force in 166 countries. Of the 27 States not yet party to the Optional Protocol, the majority have made formal commitments to its ratification in the framework of the universal periodic review process of the Human Rights Council, and before the Committee on the Rights of the Child and other human rights mechanisms.

9. For its part, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure was opened for signature in February 2012 and, by December 2013, had been signed by 44 States and ratified by 9. Its entry into force is fast approaching.[1]

10. To promote the implementation of the Optional Protocol on a communications procedure, domestic remedies and child-sensitive procedures and mechanisms need to be in place, to ensure respect for the views and the best interests of the child, to protect children's privacy and to prevent the risk of ill-treatment or intimidation. Wide public information and education campaigns and capacity-building for professionals working with and for children are crucial steps to make the provisions of the Optional Protocol widely known and to facilitate access to relevant information by all those concerned, including children.

11. A real difference in implementation will depend on how well children understand and make effective use of the provisions of these treaties. For this reason, the Special Representative launched in the fall of 2013 two child-friendly publications on these two Optional Protocols.[2] These user-friendly publications were developed in collaboration with

[1] See http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&lang=en.

[2] *Raising Understanding among Children and Young People on the OPSC*, available from http://srsg.violenceagainstchildren.org/sites/default/files/children_corner/RaisingUnderstanding_OPSC.pdf and *Raising Understanding among Children and Young People on the OPCP*, available from

partners, including children and young people, from different regions who reviewed and refined the text, advised on the design and helped shape these important advocacy tools. It is expected that the publications will help to widely disseminate the Optional Protocols, raise children's awareness about their rights, help to prevent their exposure to sexual violence and abuse, and give children confidence to speak up and seek support to prevent violations and enjoy effective protection. Collaboration with Member States and other partners will remain crucial to support the translation of these child-friendly materials into national languages and promote their consideration in the framework of the school system.

2. Advancing the implementation of international standards for children's protection from violence

12. The Special Representative pursued close cooperation with United Nations partners, regional organizations and other strategic allies in advocacy and policy dialogue for the promotion and implementation of international standards to safeguard children's right to freedom from violence.

13. Critical attention was paid to violence in work settings. This is an area where significant challenges prevail, with countless children coerced into working in plantations or fishing in the deep sea; engaged in hazardous activities; sold into marriage, victims of trafficking and sexual exploitation; or recruited by criminal gangs or drug dealers. All these situations compromise the protection of children's rights.

14. Children engaged in domestic work, most of them girls, are also highly vulnerable to violence. According to the most recent figures published by the International Labour Organization (ILO), at least 52.6 million people are employed as domestic workers across the world, 15.5 million of whom are children.[3] Most of them work as housekeepers, nannies or caregivers, and many are also migrants who hope to support their families through their remittances. Often isolated, with no formal protection structure, child domestic workers are highly vulnerable to labour exploitation, working long hours without rest, being denied holidays or deprived of wages, and enduring serious manifestations of violence and abuse.

15. As highlighted by the Special Representative at the third Global Conference on Child Labour, held in October 2013 in Brazil, such forms of violence are not inevitable; they can be prevented and effectively addressed. Promoting the ratification and implementation of ILO standards, including ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers, remains a crucial step in this regard. Together with the promotion of the outcomes of the third Global Conference and the Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, these standards will remain a core component of the Special Representative's global advocacy agenda.

B. Accelerating progress towards a world free from violence — the global survey on violence against children

16. During 2013, the Special Representative conducted, in collaboration with a wide range of partners, a global survey to assess progress since the submission of the United Nations Study on Violence against Children. The survey was designed to gain perspective on achievements, reflect on good practices and success factors and boost efforts to

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http://srsg.violenceagainstchildren.org/sites/default/files/cropped_images/RaisingUnderstanding_OCPC.pdf.

[3] ILO, *Ending Child Labour in Domestic Work and Protecting Young Workers for Abusive Working Conditions* (2013), p. 1. Available from http://srsg.violenceagainstchildren.org/sites/default/files/studies/WDACL2013_Report_EN_Web.pdf.

overcome persistent challenges and fast track progress in children's protection from violence. The report on the survey[4] was released during the sixty-eighth session of the General Assembly.

17. As the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child draws closer and discussions on the post-2015 global development agenda intensify, the report on the global survey provides strategic insight into how far the international community has come towards ensuring children's protection from violence and, crucially, what still needs to be done to give every girl and boy the opportunity of enjoying a childhood free from violence.

18. The global survey confirms that children's protection from violence is gaining increasing recognition on international, regional and national agendas. The understanding of how and why children are exposed to violence has deepened, and strategic actions are under way in a number of countries to translate this knowledge into effective protection.

19. The findings indicate a promising process of change. There is ever-growing ratification of treaties on children's protection from violence; significant normative, policy and institutional developments have helped to advance national implementation of child protection measures; a revitalization of networks and an increase in the number and reach of information campaigns have raised awareness of children's right to freedom from violence; and some promising initiatives have captured the magnitude of this phenomenon and its impact on children's daily lives. This significant process has helped to address attitudes and deeply rooted social norms condoning violence against children and has encouraged the mobilization of social support for this cause.

20. At the same time, however, progress has been too slow, too uneven and too fragmented to make a genuine breakthrough in the protection of children from violence. Countless girls and boys of all ages continue to be exposed to the cumulative impact of different forms of violence as a result of reactive, ill-coordinated and ill-resourced national strategies; dispersed and poorly enforced legislation; and low levels of investment in family support and gender- and child-sensitive approaches and mechanisms to support child victims and fight impunity. Overall, data and research remain scarce and incipient — insufficient to overcome the invisibility and acceptance of this phenomenon and to safeguard children's freedom from violence at all times.

21. The urgency of this cause has clearly not diminished. Indeed, the magnitude and impact of this phenomenon remains high and deeply distressing. For millions of children, life is defined by one word: fear. In their early years and throughout adolescence, children endure violent disciplinary practices in schools, in care and justice institutions and also within the home. Community violence and organized crime undermines their daily life and development; millions of children experience violence in work settings, including domestic work; child trafficking is on the increase; and in some countries, boys and girls face the risk of inhuman sentencing and harmful practices persist, with long-lasting consequences for the enjoyment of children's rights.

22. The most vulnerable children are at the greatest risk of violence, including girls, children with disabilities, children who migrate, children who are confined to institutions, and children whose poverty and social exclusion expose them to deprivation, to neglect and, at times, to the inherent dangers of life on the streets.

[4] *Toward a World Free from Violence: Global Survey on Violence against Children* (2013). Available from http://srsg.violenceagainstchildren.org/page/920.

23. With its serious and long-lasting consequences for children's development, health and education, violence is also associated with serious costs for households, communities and national economies.

24. Clearly, there is no time for complacency: the situation is dramatic in its scale and extent. But there are signs of change. The energy and vision of the children who have engaged in the global survey process, together with the commitment of all those who make children's protection from violence a priority, offer grounds for optimism.

25. We must consolidate the gains that have been made, grasp the lessons we have learned, and redouble our efforts to shape a dynamic, forward-looking strategy to ensure children's freedom from violence everywhere and at all times. With this in mind, the global survey sets out eight imperatives which should be vigorously pursued:

- All Governments should develop and promote a national, child-centered, integrated, multidisciplinary and time-bound strategy to prevent and address violence against children.
- An explicit legal ban on all forms of violence against children must be enacted as a matter of urgency, backed by detailed measures for implementation and effective enforcement.
- Policy initiatives and legal measures should be accompanied by increased efforts to overcome the social acceptance of violence against children.
- There must be an ongoing commitment to strengthen children's meaningful participation.
- All Governments must invest in the social inclusion of girls and boys who are particularly vulnerable.
- Governments must recognize the crucial importance of building strong data systems and sound evidence to prevent and address violence against children.
- A stronger focus is needed on the factors that influence levels of violence and the resilience of children, their families and communities. These include poverty, deprivation and inequality; weak rule of law, organized crime and political instability; mass population movements; and environmental degradation and natural disasters.
- As the international community considers the future global development agenda beyond 2015, violence against children, including the most vulnerable and marginalized girls and boys, should be recognized as a priority and a cross-cutting concern.

III. Placing the protection of children from violence at the centre of the global development agenda

26. Preventing and ending violence against children requires a global effort on an unprecedented scale — an effort that includes political leaders as well as ordinary citizens, and children as well as adults.

27. One lesson from the past years has been that, despite important progress made in the achievement of the Millennium Development Goals, countries affected by violence tend to

lag behind: in these countries, there is a higher risk of poverty and malnourishment, higher levels of child mortality, and higher rates of children out of school.[5]

28. Violence compromises social progress. It is often associated with poor rule of law and weak enforcement, high levels of organized crime and homicide rates, and a culture of impunity.[6] For children, violence goes hand in hand with deprivation, high risks of poor health, poor school performance and long-term welfare dependency, and hampers the enjoyment of their rights.

29. Violence against children remains pervasive and concealed and continues to affect millions of children in all stages of development. In early childhood its impact is often irreversible, damaging the development of the brain, compromising children's physical and mental health, and in serious cases leading to disability and death. As children grow up, the cumulative exposure to various manifestations of violence often becomes a continuum, spilling over from one context to another, spreading across a child's life cycle and at times persisting across generations.

30. Beyond its impact on individual victims and their families, violence diverts resources from social spending, slowing economic development and eroding the human and social capital of nations. In hours, violence can destroy development gains that took years to achieve. The protection of children from violence is a concern the international community cannot afford to omit from the post-2015 development agenda: it is a human rights imperative, and also a question of good governance and good economics.

31. Violence against children is not a new topic in the development agenda. It is a core dimension of the right to freedom from fear, proclaimed in the Universal Declaration of Human Rights and emphasized by the United Nations Millennium Declaration and the process generated thereafter. In the Millennium Declaration, Member States reaffirmed the right of children to be raised in dignity and free from fear of violence, and expressed determination to "spare no effort in the fight against violence" (para. 8); moreover, they resolved to encourage the ratification and implementation of the Convention on the Rights of the Child and its Optional Protocols, which set out the normative foundation for children's right to freedom from violence. Furthermore, during the Millennium Summit of the United Nations, States expressed their commitment to strengthen child protection systems, to enhance accountability, and to prevent and combat all forms of violence against women and girls.

32. Despite their undeniable relevance, these values have remained on the margins of the development agenda. One major reason was the fact that no clear goal, target or indicator was identified to mobilize action and to monitor progress. This situation can be changed this time around and there is a sound foundation to build upon.

33. As noted by the United Nations System Task Team on the Post-2015 United Nations Development Agenda, "the prevention and reduction of all forms of violence and abuse — and protection against their specific manifestations ... — should be at the heart of any agenda which fully recognizes the centrality of human security, both as a human rights imperative and as integral to development".[7] According to the Task Team, sustainability

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[5] See, for example, the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda, entitled "Realizing the future we want for all", paras. 44–45. Available from www.un.org/millenniumgoals/pdf/Post_2015_UNTTreport.pdf.

[6] See, for example, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* (United Nations, New York, 2013), p. 9. Available from www.un.org/sg/management/pdf/HLP_P2015_Report.pdf.

[7] See the report of the Task Team, "Realizing the future we want for all", para. 91.

"implies ensuring inter-generational justice and a future world fit for children. This entails safeguarding a sustainable future in which children will be able to grow up healthy, well-nourished, resilient, well-educated, culturally sensitive and protected from violence and neglect."[8]

34. In its report, the High-level Panel of Eminent Persons on the Post-2015 Development Agenda pays significant attention to the right of freedom from fear and from violence, recognizing this as "the most fundamental human entitlement, and the essential foundation for building peaceful and prosperous societies."[9] It stressed: "To fulfil our vision of promoting sustainable development, we must go beyond the [Millennium Development Goals]. They did not focus enough on reaching the very poorest and most excluded people. They were silent on the devastating effects of conflict and violence on development."[10]

35. During the period covered by the present report, important global thematic consultations were held to inform the future development agenda. In Helsinki, Monrovia and Panama City, the consultations devoted to violence and citizen security gave prominent attention to human rights and the elimination of all forms of violence. During the Panama consultation, participants specifically called for the inclusion of distinct goals to safeguard the protection of boys and girls from violence.

36. The protection of children from violence was also voiced as a special concern at the many national consultations held around the world to inform the post-2015 development agenda. As noted in a report produced by the United Nations Development Group Millennium Development Goals Task Force, personal security and life in peace are particularly urgent concerns for people around the world, while inequality and lack of policies for children and youth are acknowledged as crucial drivers of violence.[11] Clearly, there is a wide consensus on the urgency of addressing children's protection from violence.

37. The question at hand is therefore not whether or not children's freedom from violence should be reflected in the development agenda beyond 2015. The fundamental question is how best to address this critical concern and identify practical goals and targets to mobilize action and leverage progress in the years to come. To advance this process, three important steps are needed.

38. Firstly, it is crucial to mobilize the voice and support of leaders in all areas. In this spirit, on 20 November 2013, the International Day of the Child, the Special Representative together with other United Nations child rights experts issued a call to all Governments to include the protection from violence of all girls and boys, including the most vulnerable and marginalized, as a priority in the post-2015 agenda, and to back this commitment with firm funding.[12]

39. As this joint statement highlights, "the post-2015 framework is a renewed opportunity to ensure that children's rights are front and centre in the global development agenda to effectively prevent and address violence against children and fight impunity for

[8] Ibid., para. 64.

[9] *A New Global Partnership*, p. 9.

[10] Ibid., executive summary, third paragraph.

[11] *A Million Voices: The World We Want* (2013), pp. 32–33. Available from www.worldwewant2015.org/bitcache/9158d79561a9de6b34f95568ce8b389989412f16?vid=422422&disposition=inline&op=view.

[12] Statement of the Special Representative and other special procedures on the occasion of the International Day of the Child, 20 November 2013. Available from http://srsg.violenceagainstchildren.org/story/2013-11-20_930.

crimes committed against them".[13] The experts further emphasized that without freedom from violence, sustainable development could not be fully achieved.

40. Political support and sound resources are indispensable to achieve this goal. In the same statement, the special procedures also stressed that "inclusive, sustainable and duly funded child protection systems should be established in all countries, supported by sound investment in social protection programmes to address the root causes of child rights violations, to promote universal access to basic social services that help families care for and protect their children, and to safeguard the rights of children in need of assistance and alternative care".

41. Secondly, it is critical to identify practical goals, targets and indicators to accelerate and monitor progress in children's protection from violence. It is high time to measure what we treasure! Children's safety and freedom from violence cannot be neglected, as they are indispensable dimensions of social progress and sustainable development.

42. In this regard, the High-level Panel on the Post-2015 Development Agenda recommended the inclusion in the future agenda of dimensions such as eliminating all forms of violence against children and in particular against girls, and ending child marriage.[14]

43. This is an area where the international community can capitalize on the important efforts promoted within and beyond the United Nations system, including quantitative and qualitative monitoring tools developed by the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the World Health Organization, the United Nations Office on Drugs and Crime and others that play a role in child protection. There is in fact a sound foundation to build upon, including data on child and maternal mortality, on homicides, on sexual violence, female genital mutilation and child and forced marriage, on birth registration and on violent child disciplinary practices, as well as on attitudes towards violence, confidence in justice and security institutions, and on willingness to report incidents of violence.

44. Thirdly, it is imperative to include in this process those who are most affected. Children and young people need to be provided with genuine opportunities and platforms to share their views and experience of violence, and to actively influence the shaping of the future agenda, as true partners and agents of change.

45. Significant work has been promoted in this area by civil society partners. With their support, children and young people are participating in consultations on the future development agenda. In Costa Rica, for example, young people shared the vision of their country as a nation where people can live in safety and without fear; a nation where everyone shares a deep commitment to eliminate all forms of violence in the home, in education spaces and in the community — from physical maltreatment to gender-based violence, bullying and abuse, including sexual abuse.

46. As the international community moves forward in the shaping of the post-2015 development agenda, it is crucial to promote an agenda that is solidly anchored in human rights, that bridges development and children's protection concerns, and that is visibly guided by the best interests of the child.

47. The human dignity of children and their right to protection from violence must be at the heart of this global effort, just as they must be at the heart of national strategies. As it marks the twenty-fifth anniversary of the adoption of the Convention on the Rights of the

[13] Ibid.

[14] *A New Global Partnership*, pp. 30–31.

Child, 2014 provides a timely occasion to consolidate this process. The Special Representative will continue to pursue this core priority.

IV. Enhancing awareness and consolidating knowledge to strengthen children's protection from violence — promoting restorative justice for children

48. To advance progress in the follow-up to the Study and identify positive experiences and strategic recommendations to assist States in their efforts to prevent and address violence against children, the Special Representative has placed a special emphasis on the organization of expert consultations and the publication of thematic studies on priority areas of concern.

49. Protecting children affected by gang and community violence and the opportunities and risks associated with the use of information and communication technologies are two important topics the Special Representative will pursue in 2014.[15]

50. Preventing and eliminating violence against children in the justice system has been another area of concern at the centre of the Special Representative's agenda. For this reason, in 2012, she joined the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime in the development of a joint report on the prevention of and responses to violence against children within the juvenile justice system (A/HRC/21/25).

51. At the time the report was prepared, more than 1 million children were deprived of their liberty worldwide, most in pretrial detention or for minor offences, and countless children faced violent and degrading treatment throughout the criminal justice process (ibid., paras. 8, 39). Many children are exposed to psychological, physical and sexual violence during arrest and interrogation, or while being held in police custody; they are vulnerable to violence at the hands of staff and adult detainees in detention centres; and they also endure violence as a form of punishment or sentencing. Children also suffer deep trauma when their parents face inhuman sentencing, such as stoning, amputation, capital punishment and life sentencing.

52. To reverse this pattern, it is imperative to provide alternatives to detention and custodial sentences, including through restorative justice. With this in mind, in 2013 the Special Representative launched a thematic report on restorative justice for children.[16]

53. The report was informed by an international expert consultation, held in June 2013 in Indonesia, in cooperation with the Governments of Indonesia and Norway. It examines the potential of restorative justice programmes to facilitate conflict resolution and provide appropriate protection to children involved with the justice system. The sections below highlight the key dimensions of that report.

54. Restorative justice is aimed at rehabilitating and reintegrating a young offender by helping to reconnect him or her with the community. Through a non-adversarial and voluntary process, based on dialogue, negotiation and problem solving, it helps the offender to understand the harm caused to the victim and the community, acknowledge

[15] Further information can be found in the Special Representative's annual report to the General Assembly (A/68/274), paras. 54–66.

[16] *Promoting Restorative Justice for Children*. Available from http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/srsgvac_restorative_justice_for_children_report.pdf.

accountability for criminal behaviour and commit to providing reparation of its consequences.

55. In a number of societies restorative justice values, such as healing and reconciliation, have long served to resolve conflict and repair harm. In recent decades, traditional forms of restorative justice have started to be promoted in both judicial and non-judicial settings, a process that is resulting in a paradigm shift away from retributive models of justice (see the table below).

From retributive to restorative justice

Old paradigm: retributive	*New paradigm: restorative*
Focus on establishing blame and guilt	Focus on problem solving, liabilities and obligations, focus on the future
Stigma of crime permanent	Stigma of crime removable
No encouragement for repentance and forgiveness	Possibilities for repentance and forgiveness
Dependence upon proxy professionals	Direct involvement by participants
Action directed from State to offender	Victim and offender's role recognized in both problem and solution
Offender accountability defined as taking punishment	Offender accountability defined as understanding impact of action and helping decide how to make things right
Response focuses on offender's past behaviour	Response focuses on harmful consequences of offender's behaviour
Imposition of pain to punish and deter/prevent	Restitution as a means of restoring both parties; reconciliation/restoration as a goal
Community represented abstractly by the State	Community as facilitator

Source: Canadian Resource Centre for Victims of Crime, "Restorative justice in Canada: what victims should know" (March 2011), third page.

56. One of the strengths of restorative justice processes is that they can be adapted and implemented through various models, such as mediation, conciliation, conferencing and sentencing circles. They apply to children who are victims, offenders or witnesses and promote healing, respect and strengthened relationships; they can be introduced at all stages of the criminal justice process and in a range of other contexts, such as in families, schools, residential care and communities.

57. In their most developed form, restorative justice programmes are multisectoral and go beyond the criminal justice system to include the provision of services, support and access to education and health services, vocational training and other activities in order to prevent reoffending.

58. The importance of restorative justice has become greater still in light of the growing perceived threat of juvenile delinquency, often fuelled by inflammatory media reports, which has led to the introduction of lower ages of criminal responsibility and longer periods of deprivation of liberty. As a result, child populations in detention have been growing exponentially.

59. With a view to reversing this worrying trend, a number of countries have recognized the value of promoting restorative justice processes to protect children and safeguard their rights in the justice system (see box below).

Indonesia adopts legislation on restorative justice[a]

- The law is framed by the Convention on the Rights of the Child and addresses children as offenders, as victims and as witnesses of crimes.
- Status offences are decriminalized.
- The minimum age of criminal responsibility is raised from 8 to 12 and marital status no longer constitutes grounds for treating the child as an adult.
- Children's right to legal counsel and other assistance and to access justice before an objective and impartial court and in closed proceedings is recognized, as is the right to humane treatment and freedom from torture and other inhuman, cruel and degrading treatment or punishment.
- Protection of privacy and confidentiality of the child's identity in public media is guaranteed.
- Arrest, detention or imprisonment can be used only as a last resort and for the shortest possible time.
- Only specialized personnel can handle cases of children involved with the justice system.
- Police, prosecutors and judges are required to prioritize diversion and restorative justice in cases of an offence punishable with a sentence of imprisonment of up to a maximum of seven years and when the child is not a recidivist.
- Legislation provides a variety of sentencing options, including admonishment, non-institutional and institutional treatment, social services, supervision and vocational training.

Source: Promoting Restorative Justice for Children, p. 4.

[a] Law No. 11/2012 will enter into force in 2014.

A. International legal framework for restorative justice

60. The establishment of a restorative justice programme is framed by significant international standards on the protection of the rights of children involved with the criminal justice system.[17] In particular, the Convention on the Rights of the Child recognizes the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth so as to reinforce the child's respect for the human rights and fundamental freedoms of others, taking into account the age of the child and the desirability of promoting his or her social reintegration, and his or her assumption of a constructive role in society (art. 40, para. 1). The Convention encourages the establishment of a separate justice system specifically applicable to children (art. 40, para. 3); anticipates measures to deal with the child without resorting to judicial proceedings, provided that human rights and legal safeguards are fully respected (art. 40, para. 3 (b)); and makes reference to a variety of

[17] *Promoting Restorative Justice for Children*, pp. 5, 44–49.

dispositions to ensure that children are dealt with in a manner appropriate to their well-being, and proportionate both to their circumstances and to the offence (art. 40, para. 4).

61. These important provisions have been further complemented by significant international standards on human rights in the administration of justice.[18] Moreover, the Economic and Social Council adopted basic principles on the use of restorative justice, encouraging the development of mediation, conciliation, conferencing and sentencing circles as effective alternatives to formal criminal justice mechanisms.[19] Through its general comments, the Committee on the Rights of the Child has also promoted restorative justice programmes.[20]

B. Restorative justice models

1. Family group conferencing

62. Family group conferencing (FGC) is a model derived from traditional means of dispute resolution found among the Maori communities in New Zealand. Emphasizing collective responsibility and justice, the approach draws on community strengths and resources to develop solutions to conflicts, including community consideration of the underlying factors contributing to delinquency, such as child abuse and neglect. FGC recognizes the interests of the victim, and the importance of the active involvement of the victim in the resolution of the harm caused.

63. The Children, Young Persons and Their Families Act of New Zealand includes a presumption in favour of diversion. Accordingly, offences by children are primarily referred to an FGC, with a view to keeping children away from formal court proceedings.

64. Typically, FGC participants discuss the offence with a trained facilitator, giving both victim and offender the opportunity to describe their experience. This enables the offender to build an understanding of the harm caused, and the parties to find an appropriate resolution to the conflict through a collective agreement. A proposal for a suitable diversionary programme is developed, which is then presented to the court and to which the offender must consent freely. The court acts as an oversight mechanism to ensure that the agreement is legally sound and has a follow-up function to assess compliance.

65. FGCs have been used to address offences against children, including cases of child maltreatment, as well as to address offences committed by children, and incidents of domestic violence and drug abuse. They have also been implemented in non-judicial settings, such as schools and residential care facilities.

66. Variations of the model have been implemented in many countries.[21] In Thailand, for example, family and community group conferencing is an alternative non-prosecution measure for child offenders who have committed crimes warranting a sentence of five years

[18] These include the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.

[19] Economic and Social Council resolutions 1999/26 on the development and implementation of mediation and restorative justice measures in criminal justice; 1998/23 on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing; and 1997/33 on elements of responsible crime prevention: standards and norms.

[20] See general comments No. 10 (2007), No. 12 (2009) and No. 14 (2013).

[21] These include Australia, Brazil, Canada, Peru, the Philippines, South Africa, Thailand and the United States of America.

of prison or less; it has helped to significantly decrease recidivism.[22] In this process, the court has an oversight function and may intervene if it considers that the conference and the agreement have not been conducted lawfully and in respect of the rights of the child.

2. Victim-offender mediation[23]

67. Victim-offender mediation is a model often applied in cases involving minor offences committed by children, although it is also used for more serious offences. This model is most commonly used as an alternative referral by the court after the offender has made a formal admission of guilt.The process promotes dialogue in a safe and structured setting, which allows the young offender to learn about the impact of his or her offence while helping the victim and offender to develop a mutually acceptable plan to address the harm that has been caused.

3. Circle sentencing[24]

68. Circle sentencing derives from traditional conflict resolution mechanisms practiced among indigenous people in Canada and the United States of America. Integrating traditional justice rituals and formal criminal justice procedures, the circle commonly includes the victim and the offender and their respective communities of support, as well as the judge and court personnel, prosecutor, defence lawyers, police and any community members who have an interest in the case. It is facilitated and presided over by the court judge.

69. Participants devise a sentencing plan that meets the needs of all parties and is then formally incorporated into a court sentence. The goal is to heal all those affected — including the offender — and facilitate rehabilitation and prevent recidivism. Circles show consistent compliance rates, and an agreement is reached in an overwhelming majority of cases that are dealt with through circle conferencing.

4. Community reparative boards[25]

70. Community reparative boards, which have been long practised in the United States, are a form of community sanctioning that are court ordered and made up of a group of trained community members. Together with the offender, the board develops a time-bound sanction agreement. After the agreed time has passed, the board is responsible for follow-up and the subsequent submission of a report to the court concerning the offender's compliance.

71. Recently these reparative boards have also included victims in their meetings. The process aims to instil in the offender a sense of ownership of the agreement and the justice process, thereby fostering responsible citizenship.

5. Victim impact panels[26]

72. Victim impact panels are forums where victims of certain offences meet with offenders of the same type of offence in order to give their account of the impact the

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[22] Abbey J. Porter, "Restorative conferencing in Thailand: a resounding success with juvenile crime" (International Institute for Restorative Practices, 2007). Available from www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/thailand.pdf.

[23] *Promoting Restorative Justice for Children*, p. 11.

[24] Ibid., pp. 12–14.

[25] Ibid., pp. 14–15.

[26] Ibid., p. 15.

offence has had on their lives. The victims speaking on the panel are not the victims of the offences committed by the offenders present. These panels are commonly used as a form of diversion or as part of a probation sentence for children who have been found guilty of driving under the influence of drugs or alcohol.

C. Promoting restorative justice for children — key questions

1. When is restorative justice appropriate?

73. For the justice process to be truly restorative there must first be sufficient evidence to support the charge against the child (a prima facie case), and the alleged offence must fall within the scope of offences eligible for diversion as defined by the law.[27] The child offender must admit responsibility for the offence and the entire process must be undertaken voluntarily — this demonstrates the offender's willingness to participate in the process and make amends. A child's admission of responsibility must never be obtained through undue pressure or coercion. It is also necessary to obtain the consent of the child's parent(s), guardian or the responsible adult, as well as the voluntary consent of the victim, without coercion or undue pressure, to diversion to a restorative process.

74. If a case meets the requirements, restorative justice can be used to replace formal justice processes by means of diversion, or to complement them as part of a court proceeding, as a sentence or as a dimension of the child's reintegration.

2. How do restorative justice processes protect children from discrimination and promote inclusion?

75. Restorative justice processes enable stakeholders to engage in dialogue concerning negative behaviour and discuss underlying reasons for the behaviour. This in turn helps to identify and address inequalities and prejudice in a constructive manner, and to break down discrimination and foster empathy and understanding among the parties concerned.

76. For children who are marginalized or face discrimination on the basis of gender, disability, ethnic origin, socioeconomic status or similar grounds, restorative processes offer the possibility of avoiding a formal justice system where they may be at risk of re-victimization.

77. In cases involving family violence or sexual violence, however, restorative processes should only be used when appropriate to prevent risks to the physical and emotional safety of the victim and to secure children's protection.

(a) Assessing underlying factors

78. The restorative programme must treat children differently from adults and each child's specific situation must be taken into account. This includes personal risk factors associated with offending, including mental health conditions that may be caused by trauma and violence experienced in a child's early years.

79. Other risk factors include poverty and deprivation associated with an unstable family environment, homelessness, and exposure to community or gang violence. Individual and structural discrimination are also significant, as demonstrated by the continuous overrepresentation of ethnic and minority groups in the justice system.

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[27] See for example the Child Justice Act (Act No. 75 of 2008) of South Africa, art. 52 (a–e). Available from www.info.gov.za/view/DownloadFileAction?id=108691.

80. Studies suggest that restorative justice programmes that do not address the underlying reasons for offending, or fail to encompass rehabilitative and preventive measures, show a lower success rate in preventing recidivism.

(b) Girls and restorative justice

81. Girls constitute a particularly vulnerable group, and their offending is often closely related to various forms of discrimination and deprivation: girls living in poverty may be easy targets and manipulated by criminal networks for sexual exploitation and drug dealing. Girls are also at risk of being arrested for prostitution or rounded up on the assumption that they are sex workers.

82. The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) provide an important reference in this regard as they address gender-based discrimination in the criminal justice system and call for gender-specific options for diversionary measures and the development of pretrial and sentencing alternatives for girls and women (rule 57).

3. How are procedural safeguards for children ensured in the restorative justice process?

83. To ensure that the rights of the child are respected and that the process is lawfully conducted, a competent authority should have effective judicial overview. This strengthens the validity of the outcome and ensures that legal safeguards are respected.

84. In order to ensure that restorative justice processes provide the necessary safeguards and are conducted in a consistent manner, guidelines and standard operating procedures for professionals should be in place.[28]

85. Professionals and community facilitators dealing with children involved with the justice system must also receive adequate and continuous training and capacity-building.

4. How can diversion and restorative justice programmes be used for serious offenders and convicted children?

86. Many restorative justice programmes have diverted cases of serious offenses from the criminal justice system to restorative processes. Studies show that the effectiveness of restorative justice in reducing recidivism is particularly great among serious offenders accused of violent crimes. Research also suggests that restorative justice can have a deeper healing impact on serious offenders than on non-serious offenders.[29]

87. Restorative justice can take place during the time that a child is serving a prison sentence, or as a component of a probation programme.[30] It can significantly help reduce recidivism.

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[28] For example, in the Philippines, the Department of Social Welfare and Development issued the Guidelines in the Conduct of Diversion for Children in Conflict with the Law to ensure that diversion is appropriately conducted by social workers, law enforcement officers, prosecutors and other stakeholders (Administrative Order No. 7, 2008).

[29] Lawrence W. Sherman and Heather Strang, *Restorative Justice: The Evidence* (Esmée Fairbarn Foundation and The Smith Institute, 2007), p. 70. See also Lawrence Sherman, Heather Strang and Daniel Woods, *Recidivism Patterns in the Canberra Reintegrative Shaming Experiments (RISE)* (Centre for Restorative Justice, Australian National University, 2000).

[30] For example, in Oaxaca State, Mexico, the use of restorative justice for juveniles deprived of liberty has proved highly successful. In 2010, the programme, which includes access to psychological and health-care services, vocational training and education, recorded no cases of recidivism. The

5. How is restorative justice linked to the formal justice process?

88. In a number of countries restorative justice has been implemented as a core component of the juvenile justice system through a specialized juvenile justice act which identifies and integrates restorative justice as a governing principle.[31]

89. Many countries first establish pilot projects in order to divert children from the formal justice system to restorative programmes. Pilot projects allow States to see evidence of the programme's effectiveness and, following its satisfactory implementation, practices are developed on a larger scale or incorporated into legislation and policy.[32]

6. How is restorative justice for children implemented in informal justice systems?

90. Informal justice systems[33] may be more accessible for children and their families, provide greater potential for healing and be less costly for those involved. But it is crucial that in addition they uphold and protect the rights of the child.

91. In this regard, five imperatives are of crucial relevance: there must be a legislative basis for customary law that is in line with international human rights standards; a range of appropriate alternatives for the child's rehabilitation and reintegration must be available; there must be proper assessment of the processes and procedures used, including with regard to who selects the individuals to sit on the mediation panel; capacity and knowledge relating to children's rights and national legislation, including juvenile justice laws, must be continuously ensured; and the right to appeal must be guaranteed so that there is oversight by the formal justice system.

D. The benefits of restorative justice

1. The benefits of restorative justice for children

(a) Taking responsibility and changing behaviour

92. Research shows that children involved in restorative programmes show fewer tendencies towards violence, both in the community and at home, are more likely to stay away from gang involvement and demonstrate significantly lower rates of recidivism. With their participatory approach, restorative justice programmes enhance opportunities for young offenders to fully grasp the extent of the harm caused and become part of a constructive response with a change in attitudes toward offending.

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extensive use of restorative justice programmes in pretrial and post-trial settings meant that in 2010, the state's only detention facility housed as few as 35 children who had committed serious offences. See Beth Caldwell, "Punishment v. restoration: a comparative analysis of juvenile delinquency law in the United States and Mexico", *Cardozo Journal of International and Comparative Law*, vol. 20 (October 2011), p. 133.

[31] This was the case in the Philippines, which in 2006 passed the Juvenile Justice and Welfare Act; and in South Africa, through the adoption in 2008 of the Child Justice Act.

[32] This has been the approach followed in countries such as Montenegro and Peru.

[33] The working definition of informal justice used in the present report is: the resolution of disputes and the regulation of conduct by adjudication or the assistance of a neutral third party that is not part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law. See United Nations Development Programme, UNICEF and the United Nations Entity for Gender Equality and the Empowerment of Women, *Informal Justice Systems: Charting a Course for Human Rights-based Engagement* (New York, 2012), p. 29.

93. Similarly, parents who have assisted their child through a restorative justice process show less inclination to resort to violence as a form of discipline.

(b) Feeling respected and being heard during the restorative justice process

94. In contrast with the formal justice system and courtroom setting, which may become extremely intimidating for children, restorative justice programmes provide young people with an opportunity to express their views in a safe environment and surrounded by a supportive network, where they can communicate in their own words and in a non-threatening manner.

95. Restorative justice shows very positive results in terms of victim, offender, family and community satisfaction. The parties involved, including child offenders, recognize that they have a greater opportunity to be heard, to enhance understanding of the various positions and to participate in the outcome of the process, while having a greater sense of control over this process. This is an important factor for the effective implementation of restorative justice programmes and helps to make the system more responsive to the rights of all those involved.

(c) Avoiding the harmful effects of deprivation of liberty

96. The Study and the thematic report on prevention of and responses to violence against children within the juvenile justice system (A/HRC/21/25) highlighted the harmful effects of detention on children, and the serious risk of violence to children deprived of liberty. As these reports indicate, there is widespread overreliance on the incarceration of children, who are often held in pretrial detention or for minor offences.

97. Restorative justice provides an alternative for addressing offending and promoting accountability for the offence, while shielding children from the harmful effects of their involvement with the criminal justice system. It helps to prevent children's deprivation of liberty while protecting them from violence, abuse and exploitation.

(d) Freedom from stigma

98. In a conventional justice system, children are likely to suffer from the long-term consequences of having a criminal record, including difficulty in obtaining employment and engaging in community activities, such as sports. Living with social stigma can have a profound effect upon their self-esteem and feeling of self-worth. Differently from the retributive system, restorative programmes help to prevent such stigma, as they focus on the offence itself, rather than on shaming those associated with it.

99. In most legislative systems that have integrated restorative justice as diversionary or alternative measures,[34] the successful completion of a restorative agreement will see the closure of the formal case by the court. This means that the child will be burdened neither by a criminal record, nor by the shame and humiliation of the offence.

2. The benefits of restorative justice in non-judicial settings

100. Schools can be an ideal environment in which to promote the development and dissemination of values of non-violence and respect for human rights among pupils and staff, and in the wider community.[35] For this reason, schools in many countries promote

[34] For example Australia, Canada, New Zealand, Norway, the Philippines and South Africa.

[35] See Special Representative on violence against children, "Tackling violence in schools: a global perspective" (2011). Available from http://srsg.violenceagainstchildren.org/sites/default/files/consultations/schools/tackling_violence_in_schools_a_global_perspective.pdf.

restorative justice practices to prevent and respond to bullying and violence in the playground and address serious offences within the school, including rape.

101. Models of restorative justice in school may involve teaching conflict resolution, promoting peace studies, training student mediators to resolve conflicts among their peers and, in some cases, bringing parents and teachers together to play a supportive role in the mediation process. Peer mediation is used to help students to address issues at the root of their disputes and build their resolution skills.

102. Research also confirms the positive results achieved with restorative justice processes in residential care settings. They help to lower incidents of violence against children, to prevent the use of violence by children and to promote positive behaviour by staff and young people, while contributing to the prevention of the criminalization of children.[36]

3. The benefits of restorative justice for the parties involved

103. Research consistently confirms that results for restorative processes are overwhelmingly positive in terms of satisfying the need for fairness and justice among all parties involved. Most importantly, these processes promote a greater involvement of the victim, and victims systematically indicate that their views are better respected in restorative justice processes than in court.[37]

104. Victims are also more likely to receive an apology from the offender if they follow a restorative process rather than a court-based procedure. Evaluations also indicate that victims identify symbolic restitutions as more important than material restitution.

4. The benefits of restorative justice for society

105. The Study found that institutionalization creates an unnecessary financial drain on budgets and that institutionalization in a closed environment can be as much as 12 times the per capita cost of community-based care options.[38]

106. There are high personal costs incurred by children who become involved with the justice system, and the costs to society are also high, including the cost of judicial proceedings and of keeping children in detention facilities.

107. Restorative justice helps reduce costs associated with offending and reoffending.[39] More importantly, children who complete community-based restorative justice programmes are more likely to return to school and increase their chances of becoming productive members of society.

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[36] See Natasha Willmott, "A review of the use of restorative justice in children's residential care" (National Children's Bureau, London, 2007).

[37] For example, in Queensland, Australia, an analysis of data collected by the Department of Justice showed that, of 351 offenders, parents and victims interviewed, 98 per cent said the restorative process was fair, and 97 to 99 per cent said they were satisfied with the agreement reached in the conference. A study conducted in Western Australia found similar results regarding perceptions of fairness and justice among offenders, victims, and families. See Kathleen Daly and Hennessey Hayes, "Restorative justice and conferencing in Australia", *Trends & Issues in Crime and Criminal Justice*, No. 186 (February 2001), p. 4.

[38] *World Report on Violence against Children* (United Nations, 2006), p. 206.

[39] See *Estudio y análisis sobre costo/beneficio económico y social de los modelos de justicia juvenil en el Perú* (Terre des hommes). Available from www.justiciajuvenilrestaurativa.org/documentos/informe.pdf.

E. Overcoming challenges in developing and implementing restorative justice for children

1. Addressing negative social perceptions

108. The social perception that juvenile delinquency is on the rise and that the children concerned pose a security threat is often not based on data. Moreover, the negative perception and stereotyping of children involved with the criminal justice system represents a significant challenge to the development and implementation of appropriate restorative justice legislation, policies and programmes. There is therefore an urgent need for effective advocacy and awareness-raising to reassure society of the benefits of restorative justice programmes.

2. Ensuring a sound legal framework

109. Sound legislation is indispensable for safeguarding access to justice and the protection of children's rights in the juvenile justice system, to prevent children's criminalization and exposure to violence, and to ensure the use of restorative justice whenever appropriate.

110. Without a clear framework provided by the law, there may be inconsistent and even complete abandonment of the implementation of restorative processes. Firm and clear legislation is crucial for instituting and legitimizing viable restorative justice programmes. And it becomes indispensable to establish child-sensitive counselling and complaint mechanisms that support children's access to justice and involvement in restorative processes, while avoiding the risk of their manipulation in these processes.

3. Enhancing capacity-building for all relevant stakeholders

111. Several case studies have demonstrated that even when diversion to restorative justice has been promoted as an alternative to formal judicial proceedings, important risks may persist for the protection of children. These include the use of threats to obtain compliance with a restorative agreement; testimony of a child or admission of responsibility obtained through undue means; referral to a diversion programme without the prior consent of the victim or the offender; the use of rushed mediation sessions; referral to public mediation sessions, where the right to confidentiality is violated; and the referral of cases to restorative justice conferencing without any preliminary inquiry or compelling evidence.

112. A key to overcoming these challenges is continuous training, supported by standard operating procedures and clear guidance to protect the best interest of the child, and to facilitate preliminary assessments and evidence gathering.

4. Promoting coordination among all restorative justice service providers and justice actors

113. Most children who go through a restorative justice process will need services and support to fully rehabilitate and reintegrate. Children's engagement in formal education, vocational training, sports and other leisure activities help to build nurturing relationships and coping strategies, and prevent behavioural patterns that may lead to reoffending.

114. With this in mind, the effective coordination of all actors and service providers across multiple sectors and levels of administration is essential to ensure holistic and effective restorative justice programmes for children.

5. Assigning human and financial resources

115. To ensure the effectiveness of restorative justice programmes, it is also essential to develop and implement long-term plans for specialized human resources, while building upon local human resources and structures. This includes civil society organizations, local and traditional leaders and community volunteers.

116. Weak or inconsistent funding may compromise restorative justice efforts. Thus, securing continuous financial support for State-run projects and for the work of civil society partners is fundamental to sustain restorative programmes and services over time.

6. Consolidating data, research and evaluation

117. The lack of centralized disaggregated data on children who enter the juvenile justice system remains a challenge across regions and compromises the monitoring and evaluation of policies and programmes on diversion and restorative justice.

118. Sound evidence, supported by reliable data, is crucial to mobilize support to prevent children's stigmatization and victimization, and to strengthen investment in child-sensitive approaches and restorative justice processes.

V. Recommendations

119. **Restorative justice represents a paradigm shift in how justice for children and young people is perceived in many countries around the world. It is anchored in the inalienable rights of the child and promotes the accountability and reintegration of children who have committed an offence through a non-adversarial and voluntary process, based on dialogue and problem solving.**

120. **The decisive contribution of restorative justice programmes to upholding justice and the rule of law, preventing recidivism, avoiding stigma and fostering the child's sense of dignity and worth is clear. But these programmes also help to strengthen social accountability for the protection of children, while avoiding a significant financial drain on national resources. These gains can be effectively diverted to build strong and cohesive societies where children can develop to their full potential, free from fear, violence and discrimination.**

121. **Guided by relevant international standards, national experiences and existing research, the recommendations below highlight crucial steps to achieve this goal.**

Legislation

122. **States should undertake a comprehensive legislative review to align relevant domestic legislation, whether in statutory, customary or religious laws, with human rights standards; in countries with plural legal systems, the supremacy of legislation aligned with international human rights standards should be explicitly recognized in the law to avert potential conflicts in legal interpretation and implementation.**

123. **Legislation should decriminalize status offences and survival behaviours and include legal safeguards to protect the child's best interests, and the child's rights to freedom from violence and discrimination, to access to justice and to free and safe participation in proceedings throughout the restorative justice process, as well as to legal and other relevant assistance.**

124. **Legislation should provide law enforcement agencies, prosecutors and the judiciary with options for diverting children away from the criminal justice system and promoting restorative justice processes at all stages of the proceedings; it should**

include alternative and educative measures, such as warnings, probation, judicial supervision and community work, to be applied in combination with restorative justice processes or when restorative justice is not appropriate.

125. Children's right to recovery, rehabilitation and reintegration should be firmly expressed in legislation.

126. Legislation should recognize that restorative justice and informal justice or conflict-resolution mechanisms, while being accessible at the local and community levels and playing an important role in the protection and reintegration of children, should never jeopardize children's rights or preclude children from having access to the formal justice system.

Training and guidance

127. Effective training should be assured to all relevant actors, including the police, prosecutors, the judiciary, probation officers, lawyers, social workers, facilitators and mediators.

128. Training should provide skills to promote dialogue, manage emotions and conflict, and secure the safety of child participants.

129. Training initiatives should also address child rights and relevant legislation, as well as diversion, restorative justice processes and other alternative non-custodial measures.

130. Guidelines and standard operational procedures, as well as centrally approved systems of accreditation, should be developed for professionals.

Coordination, adequate resources, data and research

131. Coordination and close cooperation among all restorative justice service providers and other relevant stakeholders should be institutionalized at the national and local levels.

132. The availability of a sufficient number of well-trained professionals in restorative justice should be secured.

133. Adequate financial resources should be made available to support and sustain restorative justice programmes, and to secure periodic capacity-building for justice actors, community volunteers and peer educators.

134. Data, research and evaluation should be developed and widely shared to promote a paradigm shift from punitive to restorative justice approaches that respect and protect the rights of the child.

Awareness-raising and social mobilization

135. Awareness-raising campaigns should be undertaken at the national and local levels with relevant stakeholders, including local authorities, traditional and religious leaders and the media, to enhance understanding of restorative justice and promote child-friendly attitudes among justice professionals and service providers, and to sensitize the general public to the importance of restorative justice processes.

136. The role of civil society organizations in the implementation of restorative justice programmes should be promoted; furthermore, mapping and mobilizing local resources and community volunteers should be encouraged for successful implementation at the community level.

VI. Looking ahead

137. The present report presents an overview of strategic developments promoted by the Special Representative in advancing progress in the implementation of the Study recommendations. These initiatives have helped to further consolidate commitment to children's protection from violence and strengthen advocacy, legal and policy action for violence prevention and elimination.

138. In line with the priorities set out for the second term of the mandate, the Special Representative enhanced efforts to anchor the Study recommendations in the national policy agenda; to tackle concerns associated with violence prevention and elimination in the justice system; and to promote the inclusion of children's protection from violence as a crucial dimension in the post-2015 development agenda.

139. The Special Representative will continue to mobilize support for these important efforts and for the identification of goals and targets to accelerate progress in the protection of children from all forms of violence. We need to measure what we treasure. And if we are to succeed, it is critical that children and young people enjoy genuine participation in this process — not as accidental partners, but as real agents of change.

140. The Special Representative looks forward to pursuing her collaboration with Member States and all other stakeholders in the further strengthening of this crucial agenda and the building of a world free from violence.